

REMARKS

Claims 65-69 stand rejected 35 U.S.C. § 103(a) as being unpatentable over Menezes et al. (U.S. Patent No. 5,847,802) in view of Portney (U.S. Patent No. 6,197,058) and over Dunn (WO 97/12272) in view of Portney. Applicant has carefully reviewed the Examiner's rejections in light of the cited prior art. After consideration of the Examiner's arguments and comments, applicant has concluded that certain embodiments of the invention are more clearly and distinctly pointed out in independent claims 46 and 57, which were previously cancelled. Independent claims 70 and 81 have been added, which are substantially the same as cancelled claims 46 and 57. Clarifying language has been added in claims 70 and 81 to more clearly and distinctly claim embodiments of Applicant's invention that were originally contained in previously cancelled claims 46 and 57. In order to advance the present case, Claims 65-69 are cancelled without prejudice.

Previously cancelled claim 46 has been modified in the form of claim 70 to more clearly point out and distinctly claims the subject matter which the applicant regards as his invention, namely, an intraocular lens that comprises, at least in part, a central zone with a baseline optical power providing a mean power for distant vision and a first optical add power having a magnitude so as to provide, in combination with the natural accommodative capability of the natural lens of the eye, enhanced reading vision ability. Previously cancelled claim 57 has been modified in the form of claim 81 to more clearly point out and distinctly claim an intraocular lens that comprises, at least in part, a central zone having a baseline optical power and a plurality of annular regions with a maximum optical add power having a magnitude so as to provide, in combination with the natural accommodative capability of the natural lens of the eye, enhanced reading vision ability, the maximum optical add power being less than the full optical power required for near reading in a pseudophakic subject.

While claims 70-88 have yet to be considered by the Examiner, Applicant respectfully presents, in an effort to advance prosecution, comments for the Examiner's consideration regarding the patentability of present invention over prior art previously cited during prosecution of the present case. In particular, Applicant wishes to outline differences that distinguish the present invention from the teachings of Dunn. Dunn was previously used to reject independent claims 46 and 57, which are similar to currently presented claims 70 and 81. Applicant has

previously presented arguments distinguishing claims 46 and 57 over Menezes et al. and Portney which the Examiner has deemed persuasive (please refer to Applicant's response dated June 17, 2003, and Examiner's subsequent comments in the Office Action dated July 14, 2003). Applicant submits that these same arguments are applicable to currently presented claims 70 and 81 and similarly distinguish embodiments of the invention therein described over the teachings of Menezes et al. and Portney, either alone or in combination.

Dunn teaches by a contact lens having a central circular region (an "accommodation zone" or "sweet spot" named zone 1) that is overcorrected for near vision. Dunn, page 8, lines 13-16. Dunn uses the terms "central circular region," "accommodation zone," "sweet spot," and "zone 1" interchangeably throughout the specification to equivalently refer to the central zone of the contact lenses shown in Figures 1-4. Dunn further teaches a plurality of concentric transition regions (or rings), optimally two (named zone 2 and zone 3, progressing radially outwardly), and the outer region (or ring) of the lens (named zone 4), which is corrected for distance vision. Preferably, the sweet spot has a diameter of between approximately 1.0 millimeters and approximately 2.5 millimeters. Dunn, page 8, lines 18-25.

By contrast, Applicant's claims 70 and 81 each teach, at least in part, an intraocular lens having a central zone with a baseline optical power. The baseline optical power provides a mean power for distant vision. The central zone has an advantage of maintaining distant vision at smaller pupil sizes, such as exist, for example, when a subject is in an outdoor environment on a sunny day.

Dunn fails to teach or suggest an intraocular lens having a central zone with a baseline optical power. To the contrary, Dunn teaches a central zone that is overcorrected by between 25% and 100% over the near vision correction prescribe for a user (Dunn, page 9, lines 3-5). For example, Dunn teaches on page 17, lines 24-34 a lens having a central zone that has a power of between 2.0 and 5 diopters more plus add power than the distant zone (zone 4). The amount of power used depends on whether the patient is to receive a low add or a high add correction.

Thus, Dunn not only fails to teach or suggest Applicant's invention, but in fact clearly teaches away from Applicant's invention, since Dunn teaches a central zone that cannot have a baseline optical power for distant vision, but instead has an optical power for near vision that is overcorrected by between 25% and 100% over the near vision correction prescribed for a user

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g., between 2.0 and 5 diopters more plus add power than the distant zone, zone 4). Indeed, Dunn contrasts his invention from "conventional multifocal contact lenses" in that the small central zone of the lens is overcorrected beyond the correction that would be necessary for reading. Dunn page 14, lines 6-9.


CONCLUSION

For the foregoing reasons, Applicant respectfully asserts that the claims now pending are allowable over the prior art of record, namely Dunn, Menezes et al., and Portney, either alone or in combination. Therefore, Applicant earnestly seeks a notice of allowance and prompt issuance of this application.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication to Deposit Account No. 502317.

Respectfully submitted,
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